IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Bail Appl..No. 6576 of 2007()

CMP.2780/2007 of J.M.F.C., MANNARKAD
CRIME NO.562/07 OF MANNARKAD POLICE STATION

.....

: PETITIONERS/ACCUSED 1 AND 2

---

1. SURESH BABU, S/O. NAVUNNI,
THADIKKAMARA VEEDU,KAITHACHITA PO, THATTENGALAM,
MANNARKKAD, PALAGHAT.

2. MUHAMMED SADHIK& SADHIK, POOLAMANA VEEDU
PANDIKKADA COLONY, NEAR M.E.S COLEGE
KUNTHIPUZHA,MANNARKAD.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS: COMPLAINANT

THE STATION HOUSE OFFICER,
MANNARKKAD POLICE STATION
REP. BY PUBLIC PROSECUTOR, HIGH COURT
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6576 of 2007

Dated this the 1st day of November, 2007

ORDER

Application for regular bail. Petitioners are accused 1 and 2. Altogether there are 5 accused persons arrayed now. Accused 1 to 4 have been arrested. The petitioners (accused 1 and 2) were arrested on 25.08.07. Accused 3 and 4 were arrested on 17.10.07.

2. The alleged incident took place on 16.08.07. The crux of the allegation is that the 1st accused entertained a grouse against the deceased on the suspicion that he was responsible for prevailing upon a woman to make false allegations of indecent assault against him. On account of such animosity, the 5 accused persons in furtherance of their common object allegedly went to the house of the deceased on the night of 16.08.07. He was murdered by strangulating him with a pillow. F.I.R was registered and in the F.I.R, no person is named as an accused. In the course of investigation, the mystery of the crime was resolved and the petitioners were arrested. Confession statements have been recorded. Recovery has been effected. The 2nd accused has a history of criminal antecedents. He is accused in a number of cases. The 1st accused is also an accused in one other case. Investigation is not complete. The 5th accused has not been apprehended yet.

3. The learned counsel for the petitioners prays that the petitioners may now be enlarged on bail. The learned Public

Prosecutor vehemently opposes the application. Though the petitioners have remained in custody from 25.08.07, considering the nature, gravity and seriousness of the allegations as also the stage of the investigation, the petitioners may not be enlarged on bail, submits the learned Public Prosecutor .

4. Having considered all the relevant inputs, I am satisfied that there is merit in the opposition by the learned Public Prosecutor. This, I am satisfied, is a fit case where the petitioners cannot be enlarged on bail at this stage of investigation. I note that the 5th accused has not been arrested so far. In coming to the conclusion that the petitioners are not entitled to be enlarged on bail, I have taken note of all the relevant inputs, including the nature, gravity and seriousness of the allegations, the quantum and quality of the materials that are collected as also the stage of investigation.

5. This application for regular bail is, in these circumstances, dismissed, but with the observation that the petitioners shall be at liberty to move this Court for bail again at a later stage of the investigation - not, at any rate, prior to 15.11.07. The investigator shall in the meantime make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

rtr/-